

STATES OF JERSEY

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DRAFT CIVIL EVIDENCE (JERSEY) LAW 2003 (APPOINTED DAY) ACT 200-

**Lodged au Greffe on 14th December 2004
by the Legislation Committee**

STATES GREFFE



Jersey

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REPORT

The Civil Evidence (Jersey) Law 2003 provides for the admissibility of hearsay evidence and the proof of certain documentary evidence in civil proceedings; and for connected purposes. In broad terms, the Law abolishes the hearsay rule^[1] so that evidence is no longer to be excluded on the grounds merely that it is hearsay. However, hearsay evidence remains a category of evidence which is accorded special attention by the courts; to this end, parties have to give notice, where reasonable and practicable, that they intend to rely on hearsay evidence.

The Law also contains a number of detailed provisions about the proof of documents and statements in documents.

The Rules of Court necessary to bring the Law into force are being enacted by the Superior Number of the Royal Court in the consolidation of the Royal Court Rules. The principal benefit of bringing the Law into force is that it will make litigation in civil cases less subject to technical rules and should assist the parties and the court in speedier disposal of cases, saving time and money.

It will also help to clarify an area of law in which uncertainty has often prevailed in the absence of statutory provision in Jersey (unlike in the United Kingdom), and will be in the best interests of the administration of justice in the Island.

This Draft Act has no implications for the financial or manpower resources of the States.

Explanatory Note

This Act appoints 1st February 2005 as the date for the commencement of the Civil Evidence (Jersey) Law 2003. This Law (L.14/2003), which provides for the admission of hearsay evidence and proof of documentary evidence in civil proceedings, was adopted by the States on 24th September 2002 (P.111/2002) and registered in the Royal Court on 21st March 2003.



Jersey

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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 14 of the Civil Evidence (Jersey) Law 2003,^[1] have made the following Act –

1 Commencement of Civil Evidence (Jersey) Law 2003

The Civil Evidence (Jersey) Law 2003^[2] shall come into force on 1st February 2005.

2 Citation

This Act may be cited as the Civil Evidence (Jersey) Law 2003 (Appointed Day) Act 200-.

^[1] *The rule that a statement, other than one made by a person while giving oral evidence in proceedings before the court, is inadmissible as evidence of the truth of the matter stated. Thus, an out-of-court statement may be admissible if the mere fact that it was made is of some relevance in the proceedings, but if the court is asked to rely on it, i.e. use it as evidence of the very matter stated, it is inadmissible as hearsay.*

^[1] *Recueil des Lois, Volume 2003, page 171.*

^[2] *Recueil des Lois, Volume 2003, page 163.*